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LRB094 10826 LCB 46462 a

1 AMENDMENT TO SENATE BILL 1883

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1883 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Attorney Act is amended by changing Section  
5 1 as follows:

6 (705 ILCS 205/1) (from Ch. 13, par. 1)

7 Sec. 1. No person shall be permitted to practice as an  
8 attorney or counselor at law within this State without having  
9 previously obtained a license for that purpose from the Supreme  
10 Court of this State.

11 No person shall receive any compensation directly or  
12 indirectly for any legal services other than a regularly  
13 licensed attorney, nor may an unlicensed person advertise or  
14 hold himself or herself out to provide legal services.

15 A license, as provided for herein, constitutes the person  
16 receiving the same an attorney and counselor at law, according  
17 to the law and customs thereof, for and during his good  
18 behavior in the practice and authorizes him to demand and  
19 receive fees for any services which he may render as an  
20 attorney and counselor at law in this State. No person shall be  
21 granted a license or renewal authorized by this Act who has  
22 defaulted on an educational loan guaranteed by the Illinois  
23 Student Assistance Commission; however, a license or renewal  
24 may be issued to the aforementioned persons who have

1 established a satisfactory repayment record as determined by  
2 the Illinois Student Assistance Commission. No person shall be  
3 granted a license or renewal authorized by this Act who is more  
4 than 30 days delinquent in complying with a child support  
5 order; a license or renewal may be issued, however, if the  
6 person has established a satisfactory repayment record as  
7 determined (i) by the Illinois Department of Public Aid for  
8 cases being enforced under Article X of the Illinois Public Aid  
9 Code or (ii) in all other cases by order of court or by written  
10 agreement between the custodial parent and non-custodial  
11 parent. No person shall be refused a license under this Act on  
12 account of sex.

13 Any person practicing, charging or receiving fees for legal  
14 services or advertising or holding himself or herself out to  
15 provide legal services within this State, either directly or  
16 indirectly, without being licensed to practice as herein  
17 required, is guilty of contempt of court and shall be punished  
18 accordingly, upon complaint being filed in any Circuit Court of  
19 this State. Such proceedings shall be conducted in the Courts  
20 of the respective counties where the alleged contempt has been  
21 committed in the same manner as in cases of indirect contempt  
22 and with the right of review by the parties thereto.

23 The provisions of this Act shall be in addition to other  
24 remedies permitted by law and shall not be construed to deprive  
25 courts of this State of their inherent right to punish for  
26 contempt or to restrain the unauthorized practice of law.

27 Nothing in this Act shall be construed to conflict with,  
28 amend, or modify Section 5 of the Corporation Practice of Law  
29 Prohibition Act or prohibit representation of a party by a  
30 person who is not an attorney in a proceeding before either  
31 panel of the Illinois Labor Relations Board under the Illinois  
32 Public Labor Relations Act, as now or hereafter amended, the  
33 Illinois Educational Labor Relations Board under the Illinois  
34 Educational Labor Relations Act, as now or hereafter amended,

1 the State Civil Service Commission, the local Civil Service  
2 Commissions, or the University Civil Service Merit Board, to  
3 the extent allowed pursuant to rules and regulations  
4 promulgated by those Boards and Commissions or the giving of  
5 information, training, or advocacy or assistance in any  
6 meetings or administrative proceedings held pursuant to the  
7 federal Individuals with Disabilities Education Act, the  
8 federal Rehabilitation Act of 1973, the federal Americans with  
9 Disabilities Act of 1990, or the federal Social Security Act,  
10 to the extent allowed by those laws or the federal regulations  
11 or State statutes implementing those laws.

12 (Source: P.A. 91-798, eff. 7-9-00.)".

13 Section 10. The Corporation Practice of Law Prohibition Act  
14 is amended by changing Sections 1, 2, 3, 4, and 5 as follows:

15 (705 ILCS 220/1) (from Ch. 32, par. 411)

16 Sec. 1. It shall be unlawful for a corporation or any other  
17 entity to practice law or appear as an attorney at law for any  
18 reason in any court in this state or before any judicial body,  
19 or to make it a business to practice as an attorney at law for  
20 any person in any said courts or to hold itself out to the  
21 public as being entitled to practice law or to render or  
22 furnish legal services or advice or to furnish attorneys or  
23 counsel or to render legal services of any kind in actions or  
24 proceedings of any nature or in any other way or manner to  
25 assume to be entitled to practice law, or to assume, use and  
26 advertise the title of lawyers or attorney, attorney at law, or  
27 equivalent terms in any language in such manner as to convey  
28 the impression that it is entitled to practice law, or to  
29 furnish legal advice, furnish attorneys or counsel, or to  
30 advertise that either alone or together with, or by or through,  
31 any person, whether a duly and regularly admitted attorney at  
32 law or not, it has, owns, conducts or maintains a law office or

1 an office for the practice of law or for furnishing legal  
2 advice, services or counsel.

3 (Source: Laws 1917, p. 309.)

4 (705 ILCS 220/2) (from Ch. 32, par. 412)

5 Sec. 2. It shall be unlawful for any corporation or entity  
6 to solicit by itself or by or through its officer, agent or  
7 employee, any claim or demand for the purpose of bringing an  
8 action at law thereon, or for furnishing legal advice, services  
9 or counsel, to a person sued or about to be sued in any action  
10 or proceeding, or against whom an action or proceeding has been  
11 or is about to be brought or who may be affected by any action  
12 or proceeding which has been or may be instituted in any court  
13 or before any judicial body or for the purpose of so  
14 representing any person as attorney or counsel in securing or  
15 attempting to secure any civil remedy.

16 (Source: Laws 1917, p. 309.)

17 (705 ILCS 220/3) (from Ch. 32, par. 413)

18 Sec. 3.

19 Any corporation or entity violating the provisions of this  
20 Act shall be guilty of a petty offense, and shall be fined not  
21 to exceed \$500, and every officer, trustee, director, agent or  
22 employee of such corporation or entity who directly or  
23 indirectly engages in any of the acts herein prohibited or  
24 assists such corporation or entity to do any such prohibited  
25 act or acts is guilty of a petty offense.

26 (Source: P.A. 77-2380.)

27 (705 ILCS 220/4) (from Ch. 32, par. 414)

28 Sec. 4. The fact that any such officer, trustee, agent or  
29 employee shall be a duly and regularly admitted attorney at law  
30 shall not be held to permit or allow any such corporation or  
31 entity to do the acts prohibited herein, nor shall such fact

1 constitute a defense upon the trial of any of the persons  
2 mentioned herein for a violation of the provisions of this act.  
3 (Source: Laws 1917, p. 309.)

4 (705 ILCS 220/5) (from Ch. 32, par. 415)

5 Sec. 5. Nothing contained in this act shall prohibit a  
6 corporation or entity from employing an attorney or attorneys  
7 in and about its own immediate affairs or in any litigation to  
8 which it is or may be a party, or in any litigation in which any  
9 corporation or entity may be interested by reason of the  
10 issuance of any policy or undertaking of insurance, guarantee  
11 or indemnity, nor shall it apply to associations organized for  
12 benevolent or charitable purposes or for assisting persons  
13 without means in the pursuit of any civil remedy or the  
14 presentation of a defense in courts of law, nor shall it apply  
15 to duly organized corporations or entities lawfully engaged in  
16 the mercantile or collection business or to corporations or  
17 entities organized not for pecuniary profit.

18 Nothing herein contained shall be construed to prevent a  
19 corporation or entity from furnishing to any person, lawfully  
20 engaged in the practice of the law, such information or such  
21 clerical services in and about his professional work as, except  
22 for the provisions of this act, may be lawful, provided, that  
23 at all times the lawyer receiving such information or such  
24 services shall maintain full professional and direct  
25 responsibility to his clients for the information and services  
26 so received. But no corporation or entity shall be permitted to  
27 render any services which cannot lawfully be rendered by a  
28 person not admitted to practice law in this state nor to  
29 solicit directly or indirectly professional employment for a  
30 lawyer.

31 Nothing contained in this Act shall be construed to  
32 prohibit a corporation or entity from prosecuting as plaintiff  
33 or defending as defendant any small claims proceeding in any

1 court of this State through any officer, director, manager,  
2 department manager or supervisor of the corporation or entity  
3 as authorized by Section 2-416 of the Code of Civil Procedure.  
4 (Source: P.A. 83-909.)".